

U.S. Department of Labor

Occupational Safety and Health Administration
Avenel Area Office
1030 St. Georges Ave. Suite 205
Avenel, New Jersey 07001-1394
908-750-3270



210568



September 18, 1997

Ms. Lara Coraci, Asst. to Pres.
DSC of Newark Enterprises
70 Blanchard St.
Newark, NJ 07105

Coraci

Dear Ms. Coraci:

As a result of discussions between representatives of OSHA and you or your representatives concerning the OSHA inspection of your establishment, Inspection Number 114145139, conducted on 07/25/97, the parties have reached a tentative agreement resolving disputed citations, penalties and abatement dates.

You have indicated that you require additional time to consider the proposed settlement agreement we reached verbally on September 18, 1997. Attached to this letter is a written document reflecting the agreement. The document has been signed and dated by the Area Director and requires the signature of an authorized company official to make the agreement binding upon the company. The agreement must be signed on or before October 2, 1997, which is the last day of the 15 working day contest period, provided for by the Occupational Safety and Health Act.

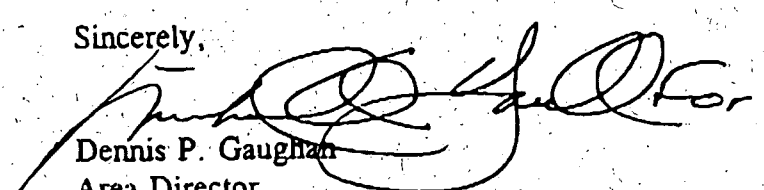
If you agree with the terms as set forth, please sign the agreement, without change, date it and return it to the Area Office. Any change will render the document invalid unless such change is accepted by the Area Director before the date of final order.

If, after further consideration, you decide not to sign to propose settlement agreement, the citations, penalties and abatement dates as previously issued will become a final and unappealable order unless you file, before the date of the final order, a written notice of your intent to contest the citations and penalties formally before the Occupational Safety and Health Review Commission.

Please note that any notice of intent to contest must be in writing. Any oral statements of dissatisfaction with the citations or penalties which you may have expressed to OSHA personnel do not constitute a formal notice of contest.

If you have any questions regarding any of the matters discussed in this letter, please contact me at your earliest convenience.

Sincerely,


Dennis P. Gaughan
Area Director
DPG/bw

U.S. DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION

In the Matter of: **DSC of Newark Enterprises**
OSHA No.(s): 114145139

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on 09/05/97, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below.
2. The Employer agrees to pay the proposed penalties, if any, as issued with the above citation(s), or, if amended by this agreement, as amended below.
3. The Employer and OSHA agree that the following citations and penalties, if any, are not being amended:

None.

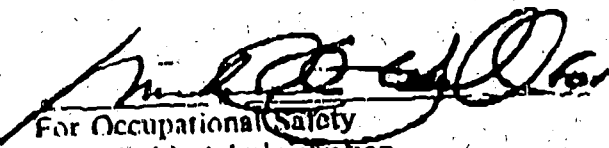
4. OSHA agrees that the following citations and penalties are being amended as shown below:

Correction of the condition has been accomplished through the paving of a dirt road nearby the industrial complex. Contamination in the building was apparently caused by dust generated by vehicles passing over this road. This is the extent of responsibility for abatement on the part of DSC of Newark Enterprises, Inc. Penalty is reduced from \$300.00 to recognize the good faith of the employer in effecting rapid correction of the conditions.


5. The employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in paragraph 4 of this agreement.
6. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in paragraph 4 above. This Settlement Agreement must remain posted until the violations cited have

been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.

7. The employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated pursuant to the Act.
8. None of the foregoing agreements, statements, stipulations and actions taken by the respondent shall be deemed an admission by respondent of the allegations contained within the citations and notifications of penalty. The agreements, statements, stipulations, findings and actions taken herein are made for the purpose of settling this matter amicably and they shall not be used for any other purpose.
9. By entering into this stipulation, respondent does not admit that the condition alleged in the citation was the cause proximate or otherwise of any accident or occurrence. In addition, by entering into this stipulation, the respondent does not waive any right or remedy it may by law have in any future proceeding brought under the OSH Act.


For Occupational Safety
And Health Administration
Dennis P. Gaughan
(signature and date)

30 Sep 97


For The Employer
(signature and date)

10/1/97

DSC OF NEWARK ENTERPRISES, INC.
Lara Coraci
Assistant to the President

NOTICE TO EMPLOYEES

The law gives you or your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest to the abatement dates of the citations amended in paragraph 4 of this Settlement Agreement must be mailed to the U.S. Department of Labor Area Office at 1030 St. Georges Ave., Suite 205, Avenel, NJ 07001, within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of this Settlement Agreement. You or your representative also have the right to object to any of the abatement dates set for violations, which were not amended, provided that the objection is mailed to the office shown above within the 15-working-day period established by the original citation.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 114145139
Inspection Dates: 07/25/97 - 07/25/97
Issuance Date: 09/05/97



Citation and Notification of Penalty

Company Name: ~~DSC of Newark Enterprises~~
Inspection Site: 333 Hamilton Blvd., So. Plainfield, NJ 07080

Citation 1 Item 1 Type of Violation: Serious

29 CFR 1910.141(a)(3)(i): Places of employment were not kept clean to the extent that the nature of the work allowed:

a- Columbia Products, Inc. - Employees use compressed air and eat in areas where surfaces are contaminated with PCBs. Wipe samples ranged from 4.6 micrograms on work surfaces in carburetor breakdown to 24.9 micrograms on the lunch room microwave oven. Condition noted on or about 7/18/97.

Abatement Note - PCB contamination shall be cleaned from the building to include but limited to walking and working surfaces, machinery, walls, ceiling and support beams. Wipe samples shall be taken from a representative number of building surfaces to determine removal effectiveness.

Date By Which Violation Must be Abated:

Proposed Penalty:

Abated

01/05/98

\$ 525.00

\$ 300.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 114145139
Inspection Dates: 07/25/97 - 07/25/97
Issuance Date: 09/05/97



Citation and Notification of Penalty

Company Name: ~~DSC of Newark Enterprises~~
Inspection Site: 333 Hamilton Blvd., So. Plainfield, NJ 07080

Citation 2 Item 1 Type of Violation: **Other**

29 CFR 1910.145(c)(1): Danger sign(s) were not used where there was a need to warn against immediate hazards and necessary precautions:

a- Columbia Products, Inc. - On or about 6/17/97, signs were not posted to warn employees of the dangers of PCBs. Employees unable to read or understand English shall be otherwise informed regarding hazardous areas and shall be informed of the instructions printed on the signs. Danger signs shall include the following:

**POLYCHLORINATED BIPHENYLS
(PCBs)**

**DANGER! CONTAINS POLYCHLORINATED BIPHENYLS
CANCER SUSPECT AGENT**

Use only with adequate ventilation.
Do not get in eyes, or on skin or clothing.

Abated

Date By Which Violation Must be Abated: 09/30/97

Proposed Penalty: \$ 0.00


Dennis P. Gaughan
Area Director

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
1030 St. Georges Ave.
Suite 205
Avenel, NJ 07001
Phone: (908)750-3270 FAX: (908)750-4737



INVOICE/ DEBT COLLECTION NOTICE

Company Name: DSC of Newark Enterprises
Inspection Site: 333 Hamilton Blvd., So. Plainfield, NJ 07080
Issuance Date: 09/05/97

Summary of Penalties for Inspection Number 114145139

Citation 1, Serious	= \$	525.00	300.00
Citation 2, Other	= \$	0.00	
TOTAL PROPOSED PENALTIES	= \$	525.00	300.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

"DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 3%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.



333 Hamilton Blvd. - Bldg. 5
P.O. Box # 764
South Plainfield, NJ 07080
Phone: (908) 769-9100
Fax: (908) 668-7970

September 18, 1997

Mr. Dennis P. Gaughan
Area Director
U.S. Department of Labor
Occupational Safety and Health Administration
Avenel Area Office
1030 St. Georges Ave. Suite 205
Avenel, New Jersey 07001-1394

Re: Inspection # 113895973

Dear Mr. Gaughan:

This refers to your letter of September 5, 1997 given us the results of your recent OSHA inspection

We enclose the following:

- Our Check for \$525.00.
- List of action taken as concerns the citations noted.

We thank you for bringing these matters to our attention.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Michael Cancilla', is written over a horizontal line.

Michael Cancilla
President

Establishment Name: Columbia Products Inc., South Plainfield, New Jersey
Inspection # 113895973

List the Specific method of correction of each item on the citation and the date of correction.

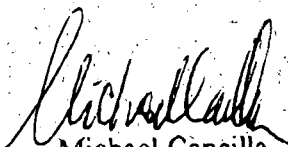
• Citation 1 Item 1 - 29 CFR 1910.141(a)(3)(i)

1. **Step 1:** The immediate outside area surrounding our building which was not paved and thus generated PCB containing dust has been paved. Thus the amount of PCB's entering our premises has been dramatically reduced if not eliminated altogether from that source. Nevertheless, we have developed with an outside contractor to clean floors, tables and microwave ovens in the lunch room on a weekly basis in addition to daily cleaning by staff members. As indicated in (Step 2) the building owner and his associates has indicated that a schedule to clean building interior of PCB's will be in place by 10/15/97. However, we have also developed a schedule for cleaning work floors and tables where compressed air is used.
2. **Step 2:** The building owner and his associates have promised to give us by October 15, 1997 a schedule for cleaning PCB contamination from the building interior. They have been made aware that cleaning must be completed by 12/5/97 and we will continue to monitor compliance.
3. **Step 3:** Comments noted.

Citation 2 Item 1 - 29 CFR 1910.145(c)(1)

The required signs have been posted.

This is an interim report of action taken to address the citations raised in your inspection. When all violations have been corrected we will issue the final endorsement that all violations have been corrected/abated.


Michael Cancilla
President
9/18/97

U.S. Department of Labor
Occupational Safety and Health Administration
1030 St. Georges Ave.
Suite 205
Avenel, NJ 07001
Phone: (908)750-3270 FAX: (908)750-4737



Citation and Notification of Penalty

To: Mr. Michael Cancilla, Pres.
Columbia Products, Inc
and its successors
P.O. Box 764
So. Plainfield, NJ 07080

Inspection Number: 113895973
Inspection Date(s): 06/17/97 - 07/23/97
Issuance Date: 09/05/97

Inspection Site:
333 Hamilton Blvd.
So. Plainfield, NJ 07080

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) noted herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal

conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 3 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

U.S. Department of Labor
Occupational Safety and Health Administration



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/05/97. The conference will be held at the OSHA office located at 1030 St. Georges Ave., Suite 205, Avenel, NJ, 07001 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 113895973
Inspection Dates: 06/17/97 - 07/23/97
Issuance Date: 09/05/97



Citation and Notification of Penalty

Company Name: ~~Columbia Products, Inc.~~
Inspection Site: 333 Hamilton Blvd., So. Plainfield, NJ 07080

Citation 1 Item 1 Type of Violation: Serious

29 CFR 1910.141(a)(3)(i): Places of employment were not kept clean to the extent that the nature of the work allowed:

a- Facility wide - Employees use compressed air and eat in areas where surfaces are contaminated with PCBs. Wipe samples ranged from 4.6 micrograms on work surfaces in carburetor breakdown to 24.9 micrograms on the lunch room microwave oven. Condition noted on or about 7/18/97.

Abatement Note - Abatement plan is multistep as follows:

- 10/5/97 Step 1: An effective cleaning schedule shall be developed and implemented which includes cleaning work floors and tables where compressed air is used. Lunch room surfaces to include floors, tables and microwave ovens shall also be included in the cleaning schedule. Limit entry of PCB contaminated dust into the facility by opening windows and overhead doors only as needed. These are interim protective measures.
- 12/5/97 Step 2: ~~Clean all PCB contamination from the building to include but not limited to walling and working surfaces, machinery, walls, ceiling and support beams.~~
- 1/5/98 Step 3: Correction shall be completed by the implementation of the above control measures and their effectiveness at achieving compliance verified.

Date By Which Violation Must be Abated: 01/05/98
Proposed Penalty: \$ 525.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 113895973
Inspection Dates: 06/17/97 - 07/23/97
Issuance Date: 09/05/97



Citation and Notification of Penalty

Company Name: Columbia Products, Inc
Inspection Site: 333 Hamilton Blvd., So. Plainfield, NJ 07080

Citation 2 Item 1 Type of Violation: **Other**

29 CFR 1910.145(c)(1): Danger sign(s) were not used where there was a need to warn against immediate hazards and necessary precautions:

a- Facility Wide - On or about 6/17/97, signs were not posted to warn employees of the dangers of PCBs. Employees who cannot read or understand English shall be otherwise informed regarding hazardous areas and shall be informed of the instructions printed on the signs. Danger signs shall include the following:

**POLYCHLORINATED BIPHENYLS
(PCBs)**

**DANGER! CONTAINS POLYCHLORINATED BIPHENYLS
CANCER SUSPECT AGENT**

Use only with adequate ventilation.
Do not get in eyes, or on skin or clothing.

Date By Which Violation Must be Abated:	09/22/97
Proposed Penalty:	\$ 0.00


Dennis P. Gaughan
Area Director

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor

Occupational Safety and Health Administration

1030 St. Georges Ave.

Suite 205

Avenel, NJ 07001

Phone: (908)750-3270 FAX: (908)750-4737

**INVOICE/
DEBT COLLECTION NOTICE**

Company Name: Columbia Products, Inc
Inspection Site: 333 Hamilton Blvd., So. Plainfield, NJ 07080
Issuance Date: 09/05/97

Summary of Penalties for Inspection Number 113895973

Citation 1, Serious	= \$	525.00
Citation 2, Other	= \$	0.00
TOTAL PROPOSED PENALTIES	= \$	525.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

"DOL-OSHA", please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 3%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges. A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs. Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Dennis P. Gaughan
Area Director

5 Sep 97
Date